

## **MEETING SUMMARY**

### **NEW YORK STATE APPEARANCE ENHANCEMENT ADVISORY COMMITTEE October 7, 2019**

The meeting was held at the Department of State, 99 Washington Avenue, Albany; 123 William Street, NYC; and 65 Court Street, Buffalo NY.

#### **I. CALL TO ORDER, INTRODUCTIONS and OFFICIAL ATTENDANCE**

Michelle D’Allaird Brenner called the meeting to order at 10:47 a.m. Roll call was performed and announced there was not a quorum. The official attendance was as follows:

##### **COMMITTEE MEMBERS**

Michelle D’Allaird Brenner  
Anthony Fiore

##### **Excused:**

Shirley Cheng  
Anthony Civitano

##### **VISITORS**

Todd Garofano

##### **DEPARTMENT OF STATE STAFF**

Jodi DeLollo  
Ernita Gantt  
Mary Jo Moore  
Dave Mossberg  
Jasmine Norman  
Amy Penzabene  
Marcella Rose  
Denise Tidings

#### **II. DEPARTMENT REPORTS**

- A. Enforcement Update – E. Gantt reported that the Enforcement Unit is nearing the end of the 2019 Inspections Program. Enforcement staff has inspected 1800 Appearance Enhancement businesses; these efforts will continue until year end. It was also reported that since July 2019, 72 complaints were received; these complaints involved health and safety concerns, service dissatisfaction, and several unlicensed activity charges.
- B. Processing Report – J. DeLollo reported on the Appearance Enhancement licensing metrics. Copies of licensing statistics broken down to license type were provided. One report provided statistics as of September 30, 2019 and the other as of October 1, 2018 for a comparison of the number of licenses issued at the same time last year to help identify industry trends over the past year.
- C. Examination Report - M. Rose reported Appearance Enhancement examination pass rates. For the written examination, pass rates were provided for 2018 and the first half of 2019. For the practical examination, pass rates were provided for 2018 as well as the first three-quarters of 2019. It was also mentioned that subject matter experts would soon be needed to assist with revisions to the Esthetics written examination.
- D. Customer Service Report – M. Moore provided a report on Licensing’s Customer Call Center. It was reported that prior to August 1, 2019, Licensing’s call center operations were being handled by the NYS Department of Tax and Finance. In early 2019 there was a budget initiative to return

the Department's Licensing Division and Corporation Division call center operations back to the NYS Department of State. The Licensing Division hired and trained call center staff and took over the call center operation as of August 1, 2019. NYS Tax and Finance was handling approximately 12,000 calls per month. Efficiencies were added to the call center upon its return to DOS, and in September 2019, the call center handled over 20,000 calls.

### **III. ACTION ITEMS**

- A. Domestic Violence Awareness Update – A. Penzabene reported that the Office for the Prevention of Domestic Violence (OPDV) developed and will be distributing information about domestic violence. October is Domestic Violence Awareness month and OPDV has asked Licensing Services to partner with them and assist in their dissemination of domestic violence awareness materials. Licensing Services will be sending out an email blast today to all Appearance Enhancement and Barber licensees explaining the goal of the project, which is a partnership between two agencies to raise awareness and make materials available to individuals for assisting victims. The email will contain a video link for the purpose of educating the licensees on how to assist their clients that may be victims of domestic violence if they would like to do so. 'I AM ABLE' cards will be made available and licensees may request additional supplies by visiting one of our customer service counters or sending a request for supplies to be sent to them by mail.

### **IV. NEW BUSINESS**

- A. AE Procedural Update – D. Tidings reported that the AE Trends Subcommittee has assisted us in compiling a list of various procedures to determine which ones are within scope of practice. She mentioned that since the last board meeting, the NYS Medical Board has provided us with their opinion that the Skin Sheek Clear procedure falls under the practice of medicine. She also mentioned that the Medical Board reversed their decision on the Hyularonic Pen Treatments, stating that they are also the practice of medicine. D. Tidings stated that Licensing is planning on making a list of prohibited procedures (scope of practice exclusions) available on our website with a disclaimer that the list is not all inclusive. She added that Licensing is waiting on a few more determinations and that this process will continue as we become aware of new procedures, stating that individuals are encouraged to reach out to the Department with specific procedural inquiries.
- B. AE Scope of Practice – M. D'Allaird Brenner expressed concerns with the gray areas that have not been addressed regarding scope of practice for appearance enhancement licensees. She mentioned that there have been a lot of changes in the industry, especially over the last few years, which have led to increasing inquiries from licensees, especially with the differences in laws from one state to another. She stressed that we need more definitive answers on which procedures fall within the scope of licensure and which procedures are prohibited. She expressed a desire to continue working with the Board and the Licensing Division to address these gray areas and provide a procedural list that licensees can consult when they need answers and avoid becoming a public risk to consumers.

## **V. 2020 MEETINGS**

- A. Dates/Times - D. Tidings provided tentative meeting dates/times for 2020. She mentioned that she would follow-up with an email and would also be asking members to verify their contact information.
- B. Agenda Items – M. D’Allaird Brenner reminded members that they are encouraged to submit agenda items for consideration to D. Tidings (Board Coordinator).

## **VI. PUBLIC COMMENT PERIOD**

T. Garofano (NYSASSP) mentioned that unlicensed activity in the industry is concerning. He stated that his association is always willing to assist the Department with outreach efforts. He offered to help disseminate Domestic Violence and other educational materials to industry members; he stated that his association can also make these materials available at industry events.

## **VII. ADJOURNMENT**

The meeting was adjourned at 10:55 a.m.